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November 26, 2014

Hon. Roslynn R. Mauskopf
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *United States v. James Schmidt*, CR 14-506 (RRM)

Your Honor:

I write to request that the status conference scheduled in this matter for December 5, 2014 be adjourned for approximately 30 days. Mr. Schmidt was arraigned on the indictment before Magistrate Judge Go on November 13, 2014 and the parties agreed to exclude speedy trial time until December 5 for plea negotiations. Recently, the government provided discovery, including recordings of 45 conversations involving Mr. Schmidt. It is necessary to review this discovery as a part of negotiating a possible plea; this cannot be accomplished by December 5.

Therefore, Mr. Schmidt requests that the status conference be adjourned until early January. Because Mr. Schmidt and the government are engaged in plea negotiations which the parties believe may result in a guilty plea before a trial is scheduled, the requested time may be excluded pursuant to 18 U.S.C. § 3161(h)(8)(A). AUSA Jack Dennehy consents to this application.

I have spoken to Neal Sonnett, attorney for the defendant in *U.S. v. Flom*, 14 CR 507 (RRM), a related case, and he anticipates making a similar request for an adjournment and asking for a date the week of January 12, 2015.

Should the Court deny Mr. Schmidt's request for an adjournment, he moves, in the alternative, to appear by telephone. Counsel has been appointed to represent Mr. Schmidt because of his lack of income. It would be a financial hardship for him to travel to Brooklyn from his home in Pensacola, Florida to attend the status conference. AUSA Dennehy does not object to Mr. Schmidt appearing by telephone.

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Thank you for your attention to this matter.

Respectfully yours,

Michael K. Schneider, Esq.
Attorney for Mr. Schmidt
(718) 330-1161

cc: AUSA Jack Dennehy, Esq
Neal Sonnett, Esq.
Clerk of the Court (by ECF)
Mr. Neal Schmidt